

EXHIBIT “A”

CITATION – SMALL CLAIMS/DEBT CLAIM

JUSTICE OF THE PEACE

TOMMY A. MUNOZ
200 S TEXAS AVENUE, SUITE 114
BRYAN, TEXAS 77803

PLAINTIFF

PAUL SCHUMACHER

THE STATE OF TEXAS

TO: **Edward Levitan** at 1 E 11th St, Riviera Beach, Fl 33404, DEFENDANT, in the hereinafter-styled and numbered cause, Greeting:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure which is available online and also at the court list on this citation.

The citation is issued pursuant to a petition filed by the above-named plaintiff on the 1st day of March, 2016, cause No. **2016-40129S**. The Plaintiff's demand being for the sum of **\$9,000.00** plus attorney fees, interest, and court costs. The Plaintiff's attorney's name and address, or the Plaintiff's address, **1512 OAKVIEW STREET, BRYAN, TEXAS 77802**. Your answer may be filed with this court, located at BRAZOS COUNTY ADMINISTRATION BUILDING, 200 S TEXAS AVENUE, SUITE 114, BRYAN, TEXAS 77803.

Issued this the 22nd day of March, 2016.



Clerk of the Court
Justice of the Peace, Precinct 2
Brazos County, Texas

SERVED 3:05 3/31/16
OFFICE OF THE CLERK OF THE COURT, BRAZOS COUNTY, FL
Clerk Santa 4225
DEPUTY CLERK

COPY

Officer's Return

Came to hand on the ____ day of _____ 20____, at ____ o'clock ____ m. and

[] Executed within said County of Brazos on the ____ day of _____ 20____, at ____ o'clock ____ m., by delivering to the within named **Edward Levitan*** at

_____ in person, a true copy of this Citation, having first endorsed thereon the date of delivery.

[] Not executed, the diligence used to execute being _____, unable to execute for the following reason: _____, the defendant may be found at: _____.

* State the date and hour of service of each defendant, and where served

FEES:- Serving Citation - - - - - \$ _____

Sheriff Constable
Brazos County, Texas

CAUSE NO. 2016-401295

Paul R. F. Schumacher, Plaintiff

§

IN THE JUSTICE COURT

VS.

§

PRECINCT 2 PLACE ~~Celebration Cruise Holdings, Defendant(s)~~

§

BRAZOS COUNTY, TEXAS

Edward Levitan, Et Al.SWORN PETITION FOR A SMALL CLAIMS LAWSUIT

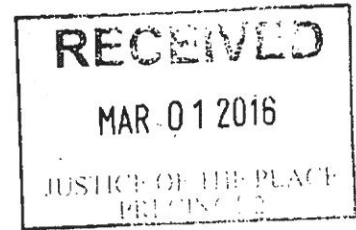
I hereby state that I am filing a Small Claims lawsuit: *A Small Claims case is a lawsuit brought to recover money damages, civil penalties, personal property or other relief allowed by law. The claim can be for no more than \$10,000.00, excluding statutory interest and court costs including attorney fees, if any.*

I, PLAINTIFF: Paul R. F. Schumacher,

Whose address is: 1512 Oakview St; Bryan, Tx 77802

Phone numbers : (cell) (979) 575-0107

HEREINAFTER called Plaintiff, being duly sworn, on my oath say that:



DEFENDANTS: Edward Levitan and the entities Bahamas Paradise Cruise Line and Celebration Cruise Holdings, owners of Celebration Cruise Line AKA Caribbean Cruise Line, DBA "Holiday Vacation Services", "Travel Services", "Holiday Cruise Line", and other fictitious names; all owned or managed by Edward Levitan

Whose address is: 2419 East Commercial Boulevard # 302; Fort Lauderdale, FL 33306

IS JUSTLY INDEBTED TO THE PLAINTIFF IN THE SUM OF: nine thousand dollars (\$9000)

REASON FOR FILING THIS LAWSUIT (State the nature of the claim in concise form including all pertinent dates)

The telemarketing arm of Celebration Cruise Line, operating as "Holiday Vacation Services", "Travel Services", and "Holiday Cruise Line", among other names given when asked, made a series of telemarketing calls in August 2015 to my cell phone.

| | | |
|----------|--------------|-------|
| 2-Aug-15 | 801-823-3446 | 18:13 |
| 5-Aug-15 | 801-823-3446 | 17:27 |
| 7-Aug-15 | 801-823-3446 | 14:01 |

Each call contained multiple violations of the Telecommunications Consumer Protection Act (TCPA), to wit, making a telemarketing call:

- To a cell phone
- To a phone on the national Do Not Call registry.
- Failing to properly identify the business name of the company for whom the calls were made within 30 seconds of the beginning of the call and again when asked.

Each of these separate violations per call carries a liability of \$500-\$1500 under the Telecommunications Consumer Protection Act, including TCPA 47 USC 227(b)(1)(A)(iii); 47 CFR 64.1200(c)(2); and 16 CFR 310.4(b)(iii)(A). Under the provisions of the TCPA, I am allowed to sue the company in my local jurisdiction for \$500 per offense, with up to triple damages allowed if the officiating justice believes that the violations were intentional.

Upon receiving these calls and asking for the identity of the calling company, various DBA's were given, none of which are the officially registered name of the company. It was only after several return calls through multiple supervisors that I was given the name and contact information of the company for whom the telemarketing calls were being made: "Celebration Cruise Line". Since the original time of these calls, Celebration Cruise Holdings has reorganized this portion of their company, but are still operating the calling center in the same manner and remain liable for their actions.

Further research has shown me that the company's business model appears to be to make unsolicited telemarketing calls informing recipients of the "free cruise" they have won, then charging them for daily fees and docking fees, etc., in order to cover their costs. Between this business model and the evasion I encountered when I attempted to ascertain their legal company name to pursue this issue, I can only conclude that their violations of the TCPA were intentional and ask for the maximum penalty of \$1500 per violation, times a minimum of 6 such violations, for the total of \$9000.

SERVICE OF CITATION: Service is requested on Defendant(s) by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court.

ATTORNEY'S FEES: Plaintiff ☐ will be or ☒ will NOT be seeking applicable attorney's fees.

REQUEST FOR JUDGMENT: Plaintiff prays that Defendant(s) be served with citation and that Plaintiff have judgment against Defendant(s) for: the amount or items above, attorney's fees, court costs, and interest on the above sums at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

☒ I consent for the answer and any other motions or pleadings to be sent to my email address which is:

Paul.R.F.Schumacher@gmail.com

Date signed: 01-Mar-2016

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

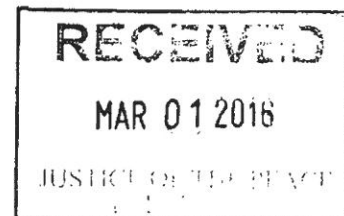
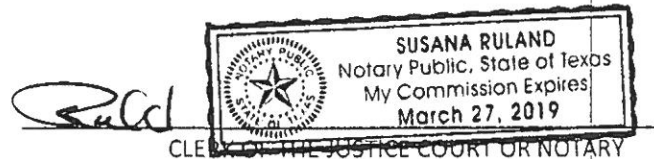
*LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: (954) 414-1320

Paul R. F. Schumacher
Plaintiff's Signature
Paul R. F. Schumacher

Sworn to and subscribed before me this 1st day of March, 2016.
JP Small Claims Petition. Rev.08/2013



1/1

Case # 2016-40129S

Paul R. F. Schumacher vs. Edward Levitan, et al.

Whereas:

* Celebration Cruise Lines gave me their address as 2419 East Commercial Boulevard # 302; Fort Lauderdale, FL 33306

* Celebration refused service to themselves and Edward Levitan at that address per Broward County Sheriff's Office, despite Mr. Levitan being an owner/partner of that business, and despite the business being listed on the lawsuit.

* Celebration claimed to Broward CS that service could only be made at 1 E 11th St, Riviera Beach, FL 33404, in a different county.

* Broward CS returned service as undeliverable, but kept the service fee of \$50.

* Palm Beach CS will charge \$80 to serve at the new address.

I request that the service document be reissued to Edward Levitan OR any representative for Celebration Cruise Lines, Celebration Cruise Holdings, Bahamas Paradise Cruise Lines at the new address given at 1 E 11th St, Riviera Beach, FL 33404, and both service fees be added to the court costs for this case, *plus the \$10 check fee.*

Paul R. F. Schumacher

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68-236/514

3014 KNUCHOWING
SALM BEACH COUNTY SHEDS OFFICE

005001000

B&T

UNITED STATES

COPY NON NEGOTIABLE

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MOBILE

00-00

CLIENT COPY

PAUL R SCHUMACHER
1512 OAKVIEW ST
BRYAN, TX, 77802-1007

66-112
531

7110565

Date March 22, 2016

PAY CASH

\$ 90.00

to the order of
NINETY & 00/100

Dollars

PLEASE ENTER YOUR ACCOUNT NUMBER BELOW

BB&T

*

Memorandum #10 Fee for Official check

Signature Paul R Schumacher

7110565053101121

44

COUNTER CHECK

F0007430001 REV. 8/25/15